

**AGENDA**  
**GREATER BEMIDJI AREA JOINT PLANNING BOARD**  
Cisco Webex Video Conferencing / City Hall  
(For log in information <https://www.jpbgba.org/planning-actions>)

**Wednesday, September 9, 2020 REGULAR MEETING – 6:00 p.m.**

- **Roll Call** **Chair**
- **Pledge of Allegiance**
- **Approval of the Agenda**

**A. MINUTES** **Chair**  
Approval of August 12, 2020 Minutes

**B. CONSENT AGENDA**  
Items in the Consent Agenda are approved with one motion without discussion/debate. The Chairman will ask if any Board member wishes to remove an item. If no items are to be removed, the chairman will then ask for a motion to approve the consent Agenda.

- 1. Approve/Pay Bills (see attached list of bills) **Chair**

**C. VISITORS** **Chair**

**D. NEW BUSINESS**

- 1. Northern Township – V-20-31.01478.00 – Anthony Wille **JC**
- 2. City of Bemidji – CUP/IUP-20-80.06622.00 – Bethel Child Care Center **JC**
- 3. Northern Township –CUP-20-31.02144.00 – Scott Reck **CM**
- 4. Northern Township - Z-20-31.00514.00 - Ralph Vonasek **CM**

**E. OTHER BUSINESS**

- 1. Compliance Inspector / Enforcement Position Discussion **Chair**

**F. DIRECTOR’S REPORT** **CM**

**G. UPCOMING MEETINGS** **Chair**

- 1. September 17, 2020 6:00 pm JPC Regular Meeting
- 2. October 14, 2020 6:00 pm JPB Regular Meeting
- 3. October 22, 2020 6:00 pm JPC Regular Meeting
- 4. November 4, 2020 6:00 pm JPB Regular Meeting

**H. ADJOURN** **Chair**

**GREATER BEMIDJI AREA JOINT PLANNING BOARD**  
**Meeting Minutes**  
**September 9, 2020**

Pursuant to due call and notice, a regular meeting of the Greater Bemidji Area Joint Planning Board, Beltrami County, Minnesota, was held on Wednesday, September 9, 2020, at 6:00 p.m. via video conference. Chair Meehlhause presiding called the meeting to order and roll call was taken.

Upon roll call, the following members were declared present: Albrecht, Meehlhause, Kelly, Frenzel, Rivera (alternate for Erickson)

Members absent: Erickson

Staff present: Casey Mai, Jamin Carlson, Ainslee Knudson, Katie Nolting

Others in attendance: Anthony Wille, Jessica Powell, Ralph Vonasek, Todd Vonasek, Muriel Gilman

Pledge of Allegiance was performed.

**AGENDA**

Motion by Albrecht, second by Frenzel, to approve the agenda.

Motion carried unanimously.

**MINUTES**

Motion by Albrecht, second by Frenzel, to approve the August 12, 2020 minutes as presented.

Motion carried, abstention by Rivera.

**CONSENT AGENDA**

- 1) Bills for the total amount of \$16,599.79 were presented for payment.

Motion by Frenzel, second by Rivera, to approve the consent agenda.

Motion passed unanimously.

**VISITORS**

None.

**NEW BUSINESS**

**RESOLUTION 2020-25 – V-20-31.01478.00 – ANTHONY WILLE**

Anthony Wille is seeking a variance in order to replace a flat roof with a gabled roof on a legal non-conforming structure on a substandard lot of record located at 11805 E Movil Lake Rd NE; parcel 31.01478.00 within Northern Township. This parcel is located within the (R-3) Suburban Residential Unsewered Zoning District and Shoreland Overlay.

**BACKGROUND**

The Applicant met with staff to discuss adding a peaked roof onto the existing house, which currently has a flat roof. The house sits inside the ordinary high water level (OHWL) setback that is in close proximity to Movil Lake. The Applicant currently has a purchase agreement in place, pending a variance approval.

### **Planning Considerations**

Variances should only be granted when they are in harmony with the general purpose of zoning ordinances or consistent with the comprehensive plan. A practical difficulty is the legal standard for consideration of variances. An applicant can demonstrate a practical difficulty when their proposal is reasonable, will not alter the essential character of the neighborhood, and is caused by a unique circumstance related to the property not directly caused by the land owner. Economics and cost can be a factor of consideration, but alone does not constitute as a practical difficulty.

### **Existing Conditions**

This is an existing substandard lot of record consisting of a house, detached garage, mound system, walkways and a gravel driveway. The current house has a flat roof that the Applicant would like to replace with a gabled roof to help with the structures longevity and heavy snow loads.

### **Septic System**

The JPB office received an SSTS compliance report on July 15, 2020 showing that the existing mound system is in compliance with Section 801 of the Zoning & Subdivision Ordinance and Minnesota Rules Chapters 7080 through 7083.

### **Landscaping/Pervious Surface**

Staff would recommend that the Applicant install a gutter system on the current structure to direct stormwater run-off away from Movil Lake. All stormwater shall be mitigated on the property and shall not run onto a neighboring property. A rain garden or swale should be added to catch any water if directed towards the Lake, a neighboring property or the right-of-way.

### **Neighborhood Comment**

There was not any neighborhood input at the time of writing the report.

### **Comprehensive Plan References:**

The newly adopted Greater Bemidji Area Comprehensive Plan has identified a few objectives and strategies that supports the variance request and is in keeping with the spirit, purpose and intent of the Plan.

#### **Land Use Objective 4.1: Preserve the Quality Residential Neighborhoods**

Identify specific redevelopment opportunities and promote revitalization while maintaining character. Mapping of existing neighborhoods can provide a clearer boundary to ensure preservation. This can also aid in the development of form-based zoning to allow redevelopment of existing nonconforming structures.

#### **Natural Resources Objective 11.2 Preserve and Enhance Water Quality**

The protection of water quality is becoming increasingly important in all-natural resource environments. In an area that thrives on a strong connection to water and Mississippi River, water quality protection is key to preserving and improving a high quality of life standard that is so attractive to residents and visitors.

**Strategy #2: Use shoreland restoration incentives and demonstrate success on public and private property to increase natural shoreland.** Encourage shoreland restoration projects through incentives or flexibility could potentially reduce shoreland

variances. Displaying the benefits of shoreland restoration can increase awareness and understanding of the process that could result in a positive impact on shoreland.

### **Zoning Ordinance References**

Article VIII: Sanitation Standards

Section 901: Bulk Density and Lot Sizes

Section 903: Nonconforming Structures Substandard in Shoreland Overlay

Section 914: Stormwater Management

### **RECOMMENDATION & FINDINGS**

JPC and staff recommends approval of several variances in order to add a gabled roof onto to the current legal non-conforming principle structure at 11805 E Movil Lake Rd NE. The variances are as follows:

1. A reduction of 25,895 square feet in lot size per the Section 901 requirement of 40,000 square feet;
2. A reduction of fifty-seven (57) feet in lot width per Section 901 requirement of 100 feet;
3. A reduction of 67 feet for the OHWL setback per Section 901 requirement of 100 feet;

Approval recommended with the following conditions:

### **Conditions**

1. JPB site verification form and fee shall be submitted prior to construction.
2. A land use permit shall be obtained prior to construction and demolition.
3. Gutters shall be installed to mitigate all run-off. A stormwater retention area such a swale or a rain garden shall be constructed, if needed to retain run-off from entering neighboring properties, the right-of-way or the lake.
4. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.
5. Added gabled roof area cannot be used for habitation.

Board members had the following comments:

- Rivera asked how it will be determined if a swale or rain garden will be needed. Carlson explained that the Applicant is not increasing impervious surface or size. Staff has determined that a swale or rain garden is not needed at this time, as long as the gutters are directing runoff towards the rear of the property.
- Rivera asked for clarification on the septic report noting that the septic was not wired back to the cabin. Carlson stated that a septic compliance inspection was required and has been completed. Carlson stated that a condition can be added to require wiring for the SSTS pump and alarm system to be hooked up and connected to the cabin.
- Frenzel asked if there should be some mitigation of the runoff. Carlson stated that they would typically do that only if there was an intensification in the runoff. Mai stated that the site has adequate site coverage to handle the runoff.
- Rivera stated that any extra efforts to mitigate runoff would be appreciated.
- Albrecht asked for clarification on what the specific variances are for this case and requested that variances be included in resolutions in the future.

Motion by Kelly, second by Frenzel, to approve Resolution 2020-25 for the following variances in order to add a gabled roof onto to the current legal non-conforming principle structure at 11805 E Movil Lake Rd NE:

1. A reduction of 25,895 square feet in lot size per the Section 901 requirement of 40,000 square feet;
2. A reduction of fifty-seven (57) feet in lot width per Section 901 requirement of 100 feet;
3. A reduction of 67 feet for the OHWL setback per Section 901 requirement of 100 feet;

Approval recommended with the following conditions and findings of fact:

1. JPB site verification form and fee shall be submitted prior to construction.
2. A land use permit shall be obtained prior to construction and demolition.
3. Gutters shall be installed to mitigate all run-off. A stormwater retention area such a swale or a rain garden shall be constructed, if needed to retain run-off from entering neighboring properties, the right-of-way or the lake.
4. The variance shall expire and become void if the project is not substantially started within twelve (12) months from its date of issuance. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.
5. Added gabled roof area cannot be used for habitation.
6. The wiring for the SSTS pump and alarm system shall be hooked up and connected to the cabin.

#### **Findings of Fact**

**1. Has the applicant demonstrated a practical difficulty?**

Yes. This is an existing lot of record that is currently developed with a non-conforming structure, the surrounding area is heavily developed on substandard lots. Without a variance, the lot or the structure could not be improved or further developed.

**2. Are there exceptional circumstances, unique to this property, which have not been created by the land owner?**

Yes. The house is a legal non-conforming structure that was not built by the current landowners and this is a previously platted and developed lot of record. No additions to the residence or garage can be permitted without approval of a variance.

**3. Can the variance be granted and that such action will be in keeping with the spirit, purpose and intent of the Zoning Ordinance?**

Yes. The majority of homes in this area are legal non-conforming structures on legal non-conforming lots. Adding a gabled roof to the existing house would be keeping with the character of the neighborhood and does not compromise the spirit, purpose and intent of the Zoning Ordinance.

**4. Can the variance be granted without altering the essential character of the surrounding area?**

Yes. The proposed variance request would fit well within the surrounding area and would not alter the character.

Ayes: Rivera, Meehlhause, Kelly, Frenzel, Albrecht

Nays: None  
Absent: None  
Abstentions: None

Motion carried unanimously.

**RESOLUTION 2020-26 – CUP/IUP-20-80.06622.00 – BETHEL CHILD CARE CENTER**

Bethel Child Care Center and Bethel Lutheran Church are requesting approval of an amendment to an existing conditional use permit (CUP) for a 3,096 square foot addition to a religious institution structure along with an interim use permit (IUP) for the expansion of a licensed commercial daycare located at 5232 Irvine Avenue NW in the City of Bemidji. The increase in the children licensure is from 38 to 75.

**BACKGROUND**

The Applicant is looking to expand the existing structure to allow for the daycare expansion, whose license was approved by the Minnesota Department of Human Services for an occupancy of up to 75. In April of 1999, Bethel Lutheran Church was approved a CUP by Northern Township to construct the church that exists today. In July of 2013, the CUP was amended administratively by the Zoning Administrator for adding an additional use, a licensed commercial daycare, as the use was at that time deemed as less than a twenty percent (20%) quantifiable standard change within the Greater Bemidji Area Zoning and Subdivision Ordinance (refer hereinafter as "Ordinance"). A condition was placed on the approval stating that any modification that exceeds twenty percent (20%) of a quantifiable standard of any conditions of the permit shall be considered a major modification and need JPC and JPB approval. One condition in place was the license was for no more than 38 children. The Applicant is now seeking an amendment to their existing CUP for the structure addition as well as increasing the licensure from 38 to 75 kids.

The Religious Land Use and Institutionalized Persons Act (RLUIPA) was passed by Congress in 2000 that allowed for the protection of religious assemblies from being prohibited in many, if not most zoning categories. The Greater Bemidji Area Zoning Ordinance allows for religious institutions/churches to be located in most zoning districts with the approval of a CUP. A CUP allows for the community to review on a case by case basis the needs of the surrounding neighborhood to allow a use, with conditions, that may or may not be of a similar nature. The conditions are a method to minimize any potential impact the use may have.

**Planning Considerations**

All Conditional Use Permits must follow the general requirements including process, criteria, and findings. A conditional use permit is recorded and runs with the land, not with the owner/applicant. All Interim Use Permits must follow the same general requirements of a Conditional Use Permit including process, criteria, and findings. The primary difference between the two permits is that a CUP runs with the land vs. the IUP, which runs with the applicant/owner and has an ending date or event which terminates the permit.

Per the Greater Bemidji Area Zoning & Subdivision Ordinance (refer to herein as "Ordinance"):

***CONDITIONAL USE:*** A land use or development as defined by ordinance that may be allowed only after an in-depth review procedure and with appropriate restrictions or conditions as provided by his Zoning Ordinance upon a finding that standards and criteria stated in this Ordinance will be satisfied. A conditional use must conform to the Greater Bemidji Area Land Use Plan and be compatible with the existing neighborhood.

***INTERIM USE:*** A temporary use of property until a particular date, until a particular event,

*or until zoning regulations no longer permit it. Interim use permits are not recorded and do not run with the land upon transfer. All interim uses shall conform to standards listed in Section 1205 of this Ordinance.*

Per Section 302 of the Ordinance, religious institutions, temples, or other places of assembly require the approval of a CUP and licensed commercial daycares require the approval of an IUP.

### **Parking & Traffic**

Per Section 1009 of the Ordinance, religious institutions, temples, or other places of assembly are required to have one (1) space for each four (4) seats of design capacity and license daycares are required to have one (1) space for each six (6) licensed capacity plus one (1) additional space for each employee on max shift. The Bethel church has a design capacity of 358 people, which would necessitate 90 parking stalls. The daycare, if at full volume of 75 children and 14 staff, would require 27 parking stalls. Most likely, daycare and church would not be occurring at the same time, but in the event that it would, the total parking stalls required per Section 1009 of the Ordinance is 117. There currently are 136 parking stalls located throughout the property and this would meet the parking minimum standard for the stated uses.

### **Landscaping**

Per Section 1006 of the JPB Zoning & Subdivision Ordinance, the site requires one (1) tree per fifty (50) lineal feet of street frontage along with one (1) tree for every 1,400 square foot of minimum required pervious site surface. A total of eight (8) trees are required throughout the property within the front yard setback along the street frontage of Irvine Avenue NW. A final landscaping plan showing the type, size, and location of each tree to be planted shall be submitted for JPB staff approval prior to obtaining a building permit.

### **Lighting**

All exterior lighting existing or proposed for this structure shall meet Section 1008 of the Ordinance. A lighting plan showing fixtures and placement will need to be submitted for approval prior to a building permit being issued. All lighting shall be directed downward in order to minimize adverse impact on surrounding properties and rights-of-way. Note: staff did see parking lot lights that were angled greater than 90 degrees and will need to be adjusted to meet the Ordinance.

### **Signage**

At this time, no additional signage is being proposed. Any additional signage would require a sign permit prior to installation and shall comply with Section 710 of the Ordinance.

### **Trash Handling**

A dumpster is located on site within the parking lot. All dumpsters on site shall comply with Section 1002 of the Ordinance and be fully enclosed. Such areas shall be completely screened and enclosed on all sides, except the roof, with an enclosure or screening wall with durable and opaque material at a minimum of six (6) feet in height.

### **Septic System**

In November of 2015, the existing septic system was installed for the Bethel Lutheran Church and properly sized for 215 members and 47 children within the daycare. The system was estimated for an average flow of 2,100 gallons per day. Prior to COVID-19, an average of 242 gpd flowed through the system. With the pandemic shutting various sites down for an extended time, the daycare continued to operate with average flows around 182 gpd from the months of March through June in 2020.

### **Development Team (Public Works / Engineer; Building Official; Fire Department; GIS; &**

### **Community Development Director)**

No concerns from either the Building Department, nor the Fire Department or GIS. A building permit shall be obtained prior to starting construction.

Sam Anderson, Assistant Engineer, stated the following in regards to the proposed site plan:

*In review of the Bethel Childcare Center packet, my only request would be that they pull an erosion control permit through the City prior to beginning construction. Being the disturbance should be much less than 1 acre, the permit could include a site plan detailing the BMP locations at the time of construction (silt fence, bioroll, etc.).*

*Being that it's a proposed addition on an existing structure between already confined edges (existing building, parking lot, and access road). I don't see the need for civil grading & drainage sheets or stormwater calculations. No City water/sewer infrastructure, so I don't need a utility plan.*

### **Neighborhood Comment**

No neighborhood comments were received at the time of writing this report.

### **Comprehensive Plan References**

The location of a religious institution in a residential area is compatible in the R-1 Rural Residential Zoning District. Peak traffic generation typically occurs only on one or two days per week, usually on Saturdays and Sundays. The use of a church and a commercial daycare center in this district is consistent with Greater Bemidji Area Comprehensive Plan as well as the Zoning & Subdivision Ordinance; provided the CUP and IUP processes are followed and specific conditions are met in order to assure compatibility with surrounding uses.

### **Zoning Ordinance References**

The following Sections within the Ordinance were referenced in order to make a recommendation for this proposed expansion:

- Section 109: Definitions
- Section 302: Land Use Matrix
- Section 401: Minimum Lot Size Requirements and Bulk Requirements
- Section 402: Lot Size and Bulk Regulations by Zoning District
- Section 710: Signs Permitted in the R-1, R-2, R-3, R-4, R-5, R-6 and MH Districts
- Section 1002: Exterior Storage and Outdoor Display
- Section 1006: Landscaping Requirements
- Section 1008: Lighting
- Section 1009: Parking Standards
- Section 1205: Conditional Use or Interim Permits

### **RECOMMENDATION & FINDINGS**

JPC and staff recommends approval of an amendment to an existing conditional use permit (CUP) for a 3,096 square foot addition to a religious institution structure along with an interim use permit (IUP) for the expansion of a licensed commercial daycare to 75 children located at 5232 Irvine Avenue NW in the City of Bemidji; parcel 80.06622.00.

Approval recommended with the following conditions:

### **Conditions**

1. All exterior lighting on the property shall be in full conformity with Section 1008 of the



Ordinance.

2. All dumpsters located on site shall be completely enclosed on all sides with a trash enclosure and located on an approved hard surface, complying with Section 1002 of the Ordinance.
3. A sign permit shall be obtained prior to installation of any new signage and must comply with Section 710 of the Ordinance. All signage shall be included on the sign permit or will require another permit prior to being placed on the property at a future date.
4. A final landscaping plan with a total of at least eight (8) trees be planted within the front yard setback shall be submitted for final approval to JPB staff complying with Section 1006 of the Ordinance.
5. All proper permits shall be obtained prior to construction, including a building and mechanical permit from the City of Bemidji.
6. An erosion control permit shall be obtained with the proper mitigation installed prior to construction starting.
7. A development agreement shall be entered into between the JPB, City, and Applicant to ensure all site construction is completed to a satisfactory condition.

Board members had the following comments:

- Albrecht asked for clarification on what side the addition will be on. Mai stated that it will be on the north side.
- Rivera asked if it would be possible for a caution sign to be put up on Irvine Avenue NW. Mai stated that the road is a County road and that would be up to the County.
- Frenzel asked if the playground area would be changing at all and if it is fenced. Mai stated that the playground is fenced in, but he does not know their plan for safety. Mai stated that the specifications are up to the Department of Human Services.
- Meehlhause commented that there is a need for childcare in the Greater Bemidji Area and expressed gratitude to the Applicant for expanding childcare opportunities.
- Albrecht asked what the timeline for this project is. Jessica Powell, representing Bethel Child Care Center, stated that as long as construction starts this month, it should be completed by January or February of 2021.

Motion by Albrecht, second by Rivera, to approve Resolution 2020-26 for an amendment to an existing conditional use permit (CUP) for a 3,096 square foot addition to a religious institution structure along with an interim use permit (IUP) for the expansion of a licensed commercial daycare to 75 children located at 5232 Irvine Avenue NW in the City of Bemidji; parcel 80.06622.00.

Approval recommended with the following conditions and findings of fact:

1. All exterior lighting on the property shall be in full conformity with Section 1008 of the Ordinance.
2. All dumpsters located on site shall be completely enclosed on all sides with a trash enclosure and located on an approved hard surface, complying with Section 1002 of the Ordinance.
3. A sign permit shall be obtained prior to installation of any new signage and must comply with Section 710 of the Ordinance. All signage shall be included on the sign permit or will require another permit prior to being placed on the property at a future date.
4. A final landscaping plan with a total of at least eight (8) trees be planted within the front yard setback shall be submitted for final approval to JPB staff complying with Section 1006 of the Ordinance.
5. All proper permits shall be obtained prior to construction, including a building and mechanical permit from the City of Bemidji.

6. An erosion control permit shall be obtained with the proper mitigation installed prior to construction starting.
7. A development agreement shall be entered into between the JPB, City, and Applicant to ensure all site construction is completed to a satisfactory condition.

#### **Findings of Fact**

1. **Whether the proposed use adversely affects the public safety, health, morals, convenience and general welfare of the occupants of the surrounding land.**

No. A religious institution and a licensed commercial daycare center already exist at the property. The structure addition and the expansion of licensure will have no adverse effects towards the occupants of the surrounding land and should help provide more opportunities to the Greater Bemidji Area, where a daycare shortage currently exists.

2. **Whether the proposed use adversely affects traffic conditions and parking on adjacent streets and land.**

No. The existing site already has adequate parking for both the religious institution as well as the commercial daycare. By expanding the licensure of the daycare, a slight increase in traffic is anticipated; however, no adverse effects are expected as Irvine Avenue NW is a major collector road and is designed to adequately serve this type of use and density.

3. **Whether the proposed use adversely affects property in the surrounding area.**

No. The proposed use is not anticipated to adversely affect, nor create an unreasonable level of disruption or interference upon the surrounding neighborhood. A religious institution and a daycare already exist at this location.

4. **Whether the proposed use is in conformance with the community's Comprehensive Plan**

Yes. The proposed use is consistent with the goals and policies of the Comprehensive Plan as well as the Zoning and Subdivision Ordinance as long as the property is approved through a conditional use permit for a religious institution and approved through an interim use permit for a licensed commercial daycare. The proposed addition as well as the existing structure complies with all setbacks and standards outlined within the Ordinance.

5. **Whether adequate utility, drainage and other such necessary facilities have been or can be provided.**

Yes. The property may not be served by City water and sewer, but it is served by a private well and septic and will be required to provide adequate stormwater drainage.

Ayes: Rivera, Frenzel, Kelly, Meehlhause, Albrecht

Nays: None

Abstentions: None

Motion carried unanimously.

#### **RESOLUTION 2020-27 – CUP-20-31.02144.00 – SCOTT RECK**

Scott Reck is requesting a Conditional Use Permit (CUP) to expand the current mini warehouse storage complex (Northdale Storage) off of Fairgrounds Rd. NW in a B-1 Low Density Commercial Zoning District within Northern Township; parcel 31.02144.00.

#### **BACKGROUND**

The Applicant approached staff with a request to add a new storage building to the existing Northdale Storage facility. The property does not have a current Conditional Use Permit (CUP) for a mini-storage facility and this is the reason a CUP is needed at this time. This type of land use requires approval of a CUP per Section 302 of the Zoning & Subdivision Ordinance (refer to hereinafter as "Ordinance"). This same parcel had just gone through the IUP process for the Verizon tower located on the northeastern part of the lot in early 2020.

### **Planning Considerations**

All Conditional Use Permits must follow the general requirements including process, criteria, and findings. A conditional use permit is recorded and runs with the land, not with the owner/applicant.

Per the Ordinance:

***CONDITIONAL USE:** A land use or development as defined by ordinance that may be allowed only after an in-depth review procedure and with appropriate restrictions or conditions as provided by his Zoning Ordinance upon a finding that standards and criteria stated in this Ordinance will be satisfied. A conditional use must conform to the Greater Bemidji Area Land Use Plan and be compatible with the existing neighborhood.*

### **Existing Conditions**

This parcel has three (3) existing mini-storage buildings, along with the propane storage facility, and MoeCO, a fire & safety business, on site. A Verizon tower is also scheduled to be built on the property that had just gone through the Interim Use Permit (IUP) process recently. This property abuts an open-water wetland to the northwest and must follow Section 1014 of the Ordinance.

### **Adjacent Zoning and Land Use**

The proposed development to the west is conservation with the noted wetland complex, to the north, east, and south is commercial zoning. To the southwest is a residential lot that is currently undeveloped. JPB staff does not anticipate mini-storage generating any issues on the surrounding properties and will be compatible with adjacent land uses.

### **Landscaping/Screening**

For the entire 7.1 acres identified, a total of 94 trees are required per Section 1006 of the Ordinance. Out of the 94 trees needed, 12 will have to be along the front of the property. Per Section 1002 & 1009 of the Ordinance, screening, whether it is a fence with opaque material or landscaping/hedges are required when gravel is used as a maneuvering/driving surface. Staff did perform an approximate tree count on the parcel and counted over 60 trees in the front entrance and east sides of the property. The Applicant will be required to plant approximately 35 additional trees throughout the property and shall submit a landscaping plan to JPB Staff for review and approval.

### **Lighting**

All existing and proposed exterior lighting will need to be submitted for review by JPB staff, being downward facing and not projecting onto right-of-way or neighboring parcels following Section 1008 of the Ordinance. Staff did note that existing exterior lighting was out of compliance and will need to be brought into conformance with the Ordinance.

### **Signage**

The applicant has not informed JPB staff that any additional signage would be created. If so a sign permit and fee would need to be submitted to JPB staff and follow Section 712 of the Ordinance.

### **Screening**

The Applicant has an existing perimeter chain link fence. The gravel areas would need to be screened from the ROW if the parcel continues to have gravel as its driving and maneuvering surface per Section 1005 of the Ordinance or would have to come into conformity with Section 1009 and have the surface paved with bituminous or concrete.

### **Hard Surfacing Requirements**

The Ordinance requires that all parking, loading, and driving areas be surfaced with bituminous pavement, concrete or an equally durable surface. Durable surfaces are required for multiple reasons including; stormwater management reducing the amount of sediments traveling to stormwater management areas; air quality reducing dust and fine particles entering the air effecting surrounding land uses; controlling the continuous expansion of parking areas; and to ensure parking areas are in aesthetically pleasing condition and not full of rutting, water pockets, and unwanted vegetation.

An exception can be made for outdoor storage areas in the B-1 low density commercial zoning district where Minnesota Department of Transportation (MnDOT) Class V Aggregate Base and other similar aggregate bases can be used within the defined outdoor storage area compliant with Section 1002 of this Ordinance, only as approved during the site plan approval, provided the site is completely screened in accordance with Section 1005 of this Ordinance. Dust control provisions including sealant must be applied at least twice a year or more often if needed.

### **Impervious Surface Coverage**

The site plans did not depict all the impervious surface coverage and JPB staff added the existing gravel surfaces to the calculation. The overall coverage within the outlined area is 3.15 acres of impervious surface coverage totaling 44%, which is under the 60% maximum.

### **Trash Handling**

Currently no dumpster is being provided at this location, if one is provided it will need to be screened complying with Section 1002 of the Ordinance.

### **Transportation**

The Beltrami County Highway Department does not have transportation concerns with this request.

### **Fire Department**

The fire department had no concerns with this request for fire safety.

### **Comprehensive Plan References**

#### ***Objective 4.2: Preserve and Promote Commercial and Industrial Redevelopment or In-Fill Development Where Appropriate***

*Providing opportunity for commercial and industrial redevelopment is imperative to reduce urban sprawl and increase land use densities where appropriate. Land use planning can preserve existing developed areas and ensure land is available as well as compatible for increased development.*

- 1. Promote flexibility for commercial and industrial redevelopment and encourage in-fill development. Allowing for in-fill development and redevelopment of existing commercial areas will ensure the current commercial and industrial areas remain vibrant, full, and diverse. In-fill and redevelopment will be encouraged before resorting to increasing commercial and industrial areas.***

### **Zoning Ordinance References**

Section 302: Land Use Matrix

Section 402: Minimum Lot Size Requirements and Bulk Requirements  
Section 712: Signs Permitted in the (B-1) Low Density and General Commercial Districts  
Section 1005 Screening Standards  
Section 1006: Landscape Standards  
Section 1008: Lighting Standards  
Section 1009: Parking Standards  
Section 1014: Sensitive Area Standards

### **RECOMMENDATION & FINDINGS**

JPC and Staff recommended approval of a conditional use permit to operate mini warehouse storage at parcel 31.02144.00 in the (B-1) Low Density Commercial Zoning District within Northern Township with the following conditions.

### **Conditions**

1. All exterior lighting on-site shall comply with Section 1008 of the JPB Ordinance; a lighting plan shall be submitted with final building plans for JPB review.
2. Final engineering, grading, erosion control and stormwater plans will need to be approved for review by JPB staff before any construction can commence.
3. A final landscaping plan shall be submitted to JPB staff for approval complying with Section 1006 of the JPB Zoning Ordinance.
4. A screening plan shall be submitted to JPB staff for approval complying with Section 1005 of the JPB Zoning Ordinance.
5. The developer/owner shall enter into a development agreement with the JPB prior to construction.
6. Any dumpsters brought on site shall be fully enclosed complying with Section 1002 of the JPB Zoning Ordinance.
7. A land-use permit shall be obtained for the storage building before any construction can commence on the identified property.
8. If the addition storage unit is not substantially started within twelve (12) months from its date of issuance, a CUP amendment will be required for any changes or additions with this property. A substantial start means more than preliminary steps have been taken such that preparations to initiate the use are mostly complete. The JPB may, upon written request of the owner, grant an extension to this deadline not to exceed an additional twelve (12) months.

Board members had the following comments:

- Frenzel asked about requirements regarding surface coverage. Mai stated that the Ordinance requires an approved surface of bituminous or concrete if one does not provide screening. Mai stated that the developer's agreement will require that the Applicant have screening or an improved surface.
- Kelly asked what the link between screening and surface coverage is. Mai stated that these requirements come straight from section 1009 of the Ordinance.
- Albrecht asked for clarification on the construction plan and the toilet facilities shown. Albrecht stated that there is no septic information listed. Mai stated that the Applicant has spoken with Dave Larson of Larson Environmental Services and if they do install bathrooms, the Applicant will have to obtain a septic permit. Mai suggested adding a condition stating that no habitation shall occur in these units.
- Albrecht asked about clarification on habitation and what the storage units would be used for. Albrecht stated concern that this facility might possibly be used as a repair shop in the future. Mai suggested adding a condition that no other commercial activity or businesses shall be operated out of the storage facility.

- Frenzel requested a better understanding of the plan and the purpose of the storage facility.
- Meehlhause stated that he would like to see the 60-day rule enacted.
- Albrecht expressed concern that enacting the 60-day rule might cause the owner to miss the construction season.
- Albrecht asked when the plan could be approved if the 60-day rule is enacted, and what the timeline for this construction project is. Mai stated that they were planning to start construction next week. Mai also stated that if the 60-day rule is enacted, the earliest that this CUP could be approved would be at the Joint Planning Board meeting on October 14<sup>th</sup>, 2020.
- Albrecht asked what the requirements are and who will be approving the building and site plans. Mai stated that any commercial project will be reviewed by a JPB consulted engineer and the fire chief.
- Albrecht asked for staff recommendation. Mai stated that regarding the screening and surface discussion, this may be better discussed at a later date. Mai stated that a condition could be put in place to require a design for septic and that the facility can be used for storage only.
- Kelly stated that he is not in favor of the plan as proposed.
- Frenzel stated that it should be up to the Applicant to make sure they have what the Board needs in order to make their decision.
- Albrecht stated the reason for extension will be clarification on the use of the facility, and well and septic info.
- Kelly requested that they also be required to inform us of their plans regarding surface and/or screening.

Motion by Frenzel, second by Albrecht, to extend the 60-day period to obtain additional information about the submitted plan that would satisfy the Board and their questions regarding septic, well, and use of structure.

Ayes: Rivera, Meehlhause, Kelly, Frenzel, Albrecht

Nays: None

Absent: None

Abstentions: None

Motion carried unanimously.

**RESOLUTION 2020-28 – Z-20-31.00514.00 – RALPH VONASEK**

Ralph Vonasek, of 225 Lakewood Dr NW, would like to construct a new 2,400 square foot accessory structure in the rear of his property for additional storage; however, the maximum allowed size within (R-2) Suburban Residential Zoning District for a property less than two (2) acres in lot area is 1,200 square foot. A zoning text amendment is sought for Section 601 of the Zoning & Subdivision Ordinance, to allow for larger accessory structures as long as maximum impervious surface coverage is not exceeded.

**BACKGROUND**

The Applicant recently met with Staff seeking to build a new 2,400 square foot detached accessory structure in the rear of his property. The Applicants property is only 1.32 acres in size and per Section 601 of the Greater Bemidji Area Zoning & Subdivision Ordinance (refer hereinafter as "Ordinance") the maximum allowed accessory structure size for a lot this size is 1,200 square foot. The Applicant felt the Joint Planning Board (JPB) is restricting property owners from improving their properties and are basically encouraging residence to store junk outside, whereas this property owner wants to clean up his property by getting his outdoor storage stowed inside.

JPB Staff are in agreement with the Applicant and ask why the Ordinance is hindering people from putting up larger or extra storage buildings as long as they are not exceeding the maximum impervious coverage on their property. Prior to COVID-19 striking this year, Staff was set to raise this exact question at a public work session with the Commission which was scheduled for late March; however, due to the pandemic, that work session has been postponed to a later date. Over the course of the past few years, a sizable amount of violations letters sent out were for the sole purpose of exterior storage not being screened or being placed within the front yard due to the lack of storage space. Staff feels by allowing larger or extra accessory structure storage space, this would eliminate a good bulk of the violations being issued throughout the Greater Bemidji Area.

**Planning Considerations**

An amendment may be initiated by a property owner, JPB staff, the Planning Commission or the Joint Planning Board. Property owners, or their representative, wishing to initiate a text amendment may do so one of two ways. The first is an informal request. In such instances, and after consult with the Planning Administrator, they may appear before the Joint Planning Commission without completing an application and submitting a fee for a non-‘binding discussion’ on the subject. The Planning Administrator will take the discussion into account and proceed to administer the Ordinance accordingly. Property owners wishing to initiate a formal text or map amendment shall complete an Application for Amendment, available from the Planning Administrator. Such application shall be filled out and submitted to the Planning Administrator together with the appropriate fee. The applicant shall appear before the Planning Commission to answer any questions that Commission members may have concerning the amendment request. The application shall be deemed complete only after receipt of the completed form, payment of required fees, and meeting with the Planning Commission.

**Section 601 – Accessory Uses and Structures**

Per Section 601 of the Ordinance, accessory structures are limited to a maximum size depending on the lot size and the zoning district that the property resides in. The current Section of the Ordinance that is sought for amending is as follows:

*D. In the R-2 through R-5 Districts, the following maximum accessory structure size standards shall apply:*

<u>R2 &amp; R3</u>	<b>Accessory Structure Size</b>	<u>R-4 &amp; R-5</u>
<b>Lot Acres</b>		<b>1,008 Sq. Ft. Max.</b>
Under 1.0	1,008 Sq. Ft.	
1.0-1.49	1,200 Sq. Ft.	
1.5-1.99	1,400 Sq. Ft.	
2.0-2.49	1,600 Sq. Ft.	
2.5-2.99	1,800 Sq. Ft.	
3.0-3.99	2,000 Sq. Ft.	
4.0 +	No Maximum	

*No more than one accessory building (storage building) in excess of two hundred (200) square feet of floor area shall be allowed in the R-2, R-3, R-4, and R-5 districts except where the parcel is larger than one (1) acres.*

**Proposed Changes to Section 601**

After a good deal of discussion and the reviewing of other City Ordinances, Staff thought this

proposal was a good possible solution/compromise in allowing for larger or additional accessory structures. For properties under an acre in size in all zoning districts, accessory structures shall not exceed 1,200 square feet in gross floor area. For lots over an acre within the R-1, R-2 and R-3 zoning districts, no maximum size for accessory structures as long as impervious surface coverage is not exceeded.

D. *In the R-1 through R-6 Districts, the following maximum accessory structure size standards shall apply:*

<u>R1, R2 &amp; R3</u>		<u>R-4, R-5 &amp; R-6</u>
<b>Lot Acres</b>	<b>Accessory Structure Size</b>	<b>1,200 Sq. Ft. Max.</b>
Under 1.0	1,200 Sq. Ft. Max.	
Over 1.0	No Maximum	

*No maximum accessory structure size for lots larger than one (1) acres in size, as long as impervious surface coverage isn't exceeded in the applicable zoning district. This standard shall only apply in R-1, R-2 and R-3 zoning districts.*

**Beltrami County Highway Department**

Bruce Hasbargen, Beltrami County Engineer stated the following in regards to the zoning text amendment request:

*The Beltrami County Highway Department has a concern on the Vonasek request.*

*Our concern is not directly with the proposed storage shed, however we would like to address an issue we have with the entrance width at this time. We have an entrance policy we follow which includes maximum widths for residential driveways. The policy allows for safe uniform entrances while still allowing reasonable ability for landowners to access their property. We follow MnDOT design guidelines which I have attached. The existing entrance is approximately 33 feet wide.*

*As part of any approval of this zoning text amendment, we request that the entrance be required to be reduced to a maximum width of 24 feet within the right of way.*

**Development Team (Public Works / Engineer; Building Official; Fire Department; GIS; & Community Development Director)**

No concerns from the development team regarding the proposed zoning text amendment.

**Neighborhood Comment**

No neighborhood comments were received at the time of writing this report.

**Comprehensive Plan References**

The Greater Bemidji Area Comprehensive Plan has identified the following objective and strategy that supports the Ordinance amendment:

***Objective 4.1: Preserve the Quality Residential Neighborhoods***

*Thriving neighborhoods are important to a growing community as well as ensuring that existing neighborhoods are not consistently replaced with multi-family or commercial development that could increase rural sprawl. It is also important to allow existing non-conforming residential areas to be redeveloped.*

- 1. Review and update the land use ordinances and zoning map on a regular basis. It is important to review current land use patterns to ensure neighborhoods are being preserved. It is anticipated that multi-family and commercial development will continue to***



*increase. It is imperative to ensure this increase will not impact existing neighborhoods with increases in traffic, noise, or other factors associated with intensified development.*

### **Zoning Ordinance References**

The following Sections within the Ordinance were referenced in order to make a recommendation for this proposed expansion:

Section 102:	Intent and Purpose
Section 109:	Definitions
Section 302:	Land Use Matrix
Section 402:	Lot Size and Bulk Regulations by Zoning District
Section 601:	Accessory Uses and Structures
Section 1002:	Exterior Storage and Outdoor Display
Section 1207:	Amendments; Text or Zoning District

### **RECOMMENDATION & FINDINGS**

JPC and Staff recommended approval of a zoning text amendment for Section 601 of the Zoning & Subdivision Ordinance, to allow for larger accessory structures as long as maximum impervious surface coverage is not exceeded.

Approval recommended with the following findings of fact:

#### **Findings of Fact**

**1. Whether such change is consistent with the interest and purpose of this Ordinance;**

Yes. The current intent of the Ordinance is to protect and conserve the value of land throughout the Greater Bemidji Area, and the value of buildings appropriate to the various districts as well as to protect the public health, safety, comfort, convenience and general welfare of the Greater Bemidji Area. By allowing larger or additional accessory structures, less exterior storage will be sprawled throughout properties in various neighborhoods; and potential increasing property values.

**2. The areas which are most likely to be directly affected by such change and in what way they will be affected; and,**

All residential zoned districts will be directly affected as they will all be allowed to have larger accessory structures, eliminating the need for storing belongings outdoors or having to rent/lease space off-site. Also, by allowing larger accessory structures, potential violations for the use of temporary storage containers or semi-trailers in residential districts should be reduced or eliminated altogether. Residents may see larger structures in their neighbor's yards.

**3. Whether the proposed amendment is made necessary because of change or changing conditions in the areas and zoning districts affected and, if so, the nature of such changed or changing conditions.**

Yes. Throughout the past few years, the Greater Bemidji Area has seen an increase in violations issued for exterior storage not being screened or properly stored within buildings on several properties. There has been changing conditions as residents have requested to build larger accessory structures on their property. The proposed amendment to allow for larger or additional accessory structures on parcels greater than an acre should eliminate a good majority of violators and allow property owners to construct new or larger buildings to store their belongings indoors, not diminishing the value of the surrounding neighborhood(s).

Board members had the following comments:

- Albrecht asked if the ordinance amendment would allow for the new accessory structure size to be larger than the principal structure on the property. Mai stated that it can.
- Albrecht expressed concern about larger buildings affecting neighbors. Mai stated if a property in the R1, R2, and R3 districts is less than an acre, the maximum square footage would be 1200 sq. ft.
- Albrecht asked if a structure could be set forward and potentially affect boulevard view or neighbor's view. Mai stated that there are front yard setback requirements and the building shall be located in the side or rear yards and not placed directly between the front yard setback and principle structure within city limits in the R-4, R-5, or R-6 districts.
- Rivera asked if there would be vegetative coverage/screening between applicant's property and neighboring property to the east. Mai stated that the Applicant is not required to have any screening.
- Rivera asked for clarification on what the Applicant's plans are for the height of his side walls. Mai stated that this will be thoroughly reviewed when the applicant applies for the permit; however, the Applicant indicated to Staff that the proposed structure will have 14 foot sidewalls.
- Rivera asked for clarification on why the request to change the Ordinance. Mai stated that anyone at any given time has the right to request a change in the Zoning Ordinance, whether it's a zoning text amendment or a zoning map amendment. Mai stated that staff had planned to bring this change to the workshop in March of 2020, but the meeting was postponed to a later date yet to be determined due to COVID restrictions.
- Mai stated that staff does not want to hinder people in the more rural areas from building larger accessory structures in the R-1, R-2, and R-3 districts. Mai said staff tried to research the history of this portion of the Ordinance, but could not find why those restrictions were put in place.
- Frenzel stated his gratitude to the Applicant for bringing this forward, and stated that this is a reasonable solution to give people the opportunity to have more storage. Frenzel also stated that changes to the Ordinance could be made at a later date if needed.
- Kelly asked for clarification on number of accessory structures allowed. Mai stated that if you have greater than an acre, you can have more than one accessory structure, as long as all setbacks and impervious surface requirements are met.
- Albrecht requested that future ordinance amendments come before the Board in their yearly review, as opposed to attached to a specific planning case.

Motion by Kelly, second by Frenzel, to approve Resolution 2020-28 for a zoning text amendment of Section 601 of the Zoning & Subdivision Ordinance, to allow for larger accessory structures as long as maximum impervious surface coverage is not exceeded with the following findings of fact:

### **Findings of Fact**

#### **1. Whether such change is consistent with the interest and purpose of this Ordinance;**

Yes. The current intent of the Ordinance is to protect and conserve the value of land throughout the Greater Bemidji Area, and the value of buildings appropriate to the various districts as well as to protect the public health, safety, comfort, convenience and general welfare of the Greater Bemidji Area. By allowing larger or additional accessory structures, less exterior storage will be sprawled throughout properties in various neighborhoods; and potential increasing property values.

#### **2. The areas which are most likely to be directly affected by such change and in what way they will be affected; and,**

All residential zoned districts will be directly affected as they will all be allowed to have larger accessory structures, eliminating the need for storing belongings outdoors or having to rent/lease space off-site. Also, by allowing larger accessory structures, potential violations for the use of temporary storage containers or semi-trailers in residential districts should be reduced or eliminated altogether. Residents may see larger structures in their neighbor's yards.

**3. Whether the proposed amendment is made necessary because of change or changing conditions in the areas and zoning districts affected and, if so, the nature of such changed or changing conditions.**

Yes. Throughout the past few years, the Greater Bemidji Area has seen an increase in violations issued for exterior storage not being screened or properly stored within buildings on several properties. There has been changing conditions as residents have requested to build larger accessory structures on their property. The proposed amendment to allow for larger or additional accessory structures on parcels greater than an acre should eliminate a good majority of violators and allow property owners to construct new or larger buildings to store their belongings indoors, not diminishing the value of the surrounding neighborhood(s).

Ayes: Meehlhause, Kelly, Frenzel, Albrecht, Rivera

Nays: None

Absent: None

Abstentions: None

Motion carried unanimously.

OTHER BUSINESS

**Compliance Inspector/Enforcement Position Discussion**

Mai and Nolting summarized where the JPB attorney and staff are at with the enforcement position and admin citation process. The JPB attorney is creating a draft agreement between the two local government units (LGU) for the service of issuing administrative citations within the township and the Greater Bemidji Area. Nolting confirmed that no action is needed at this time from Northern Township. Frenzel asked what is holding up hiring for this position. Rivera stated that there is support in general, but all of the legal pieces need to be in place before the hiring process can take place. Mai stated that next month, the 2021 budget will be brought before the board and this position will be included in the budget.

DIRECTOR'S REPORT

Mai described the upcoming planning cases, year-to-date activity, as well as new and on-going development projects.

UPCOMING MEETING DATES

September 17, 2020	6:00 pm	JPC Regular Meeting
October 14, 2020	6:00 pm	JPB Regular Meeting
October 22, 2020	6:00 pm	JPC Regular Meeting
November 4, 2020	6:00 pm	JPB Regular Meeting

ADJOURNMENT

There being no further business, motion by Albrecht, second by Frenzel, to adjourn the Joint Planning Board meeting at 8:15 p.m.

Motion carried unanimously.

Respectfully submitted,

Ainslee Knudson  
Planning & Building Administrative Assistant

JPB Minutes Approved and attested by:   
Joint Planning Board Representative